

REMARKS

In response to the Office Action mailed August 12, 2003, Applicants amend this application and request reconsideration. In this amendment, no claims are canceled and claims 17-21 are added. Claims 4 and 10-18 were canceled in a previous amendment. Accordingly, claims 1-9 and 17-22 are pending.

Turning now to the Office Action, claims 1-9 were rejected under 35 U.S.C. §102(e) as anticipated by Dereume et al., U.S. Patent No. 6,554,858 B2 (hereinafter Dereume). This rejection is respectfully traversed.

It is well understood that in order to anticipate claims, a reference must disclose each and every limitation recited in the claims. Here, Dereume does not anticipate claims 1-9 because Dereume fails to disclose several limitations of claims 1-9.

With respect to claim 1, it is herein amended to specify the location of the gasket within the first prosthesis. More specifically, claim 1 now recites:

A system for bypassing an aneurysm comprising a first prosthesis and at least one second prosthesis communicating with the first prosthesis, said first prosthesis comprising a proximal end, a distal end, a conduit defining a single fluid flow path and a compressible gasket positioned in an interior of the conduit proximate to the distal end, the gasket including at least one aperture for receiving the at least one second prosthesis to create a fluid flow path, wherein said second prosthesis is configured to provide a fluid flow path through the aneurysm.

The location of the gasket relative to the first prosthesis is significant the system of claim 1 is intended to be used in tortuous arteries such as that illustrated in Figure 1. It is far easier to install a single stent component in an angulated or tortuous artery than it is to install multiple components in such an artery. In addition, sealing and anchoring

of prostheses is far easier in the unangulated region of the artery. See paragraphs 17-19 of the specification. The system of claim 1 overcomes the foregoing issues.

Dereume does not teach, suggest or disclose a gasket as claimed in claim 1. The office action asserts that Dereume discloses a gasket in column 5, lines 28-29. The structure described in column 5 is very different from a gasket. As detailed in column 5, Dereume discloses a sleeve 4 comprised of two parts, 5 and 6, that are joined to each other. The sleeve includes parallel conduits 7 and 8. Sleeve 4 extends practically the entire length of tubular stent 3. This is a very different structure from a gasket of claim 1. The gasket of claim 1 does not include a structure that extends the length of the firsts prosthesis. Such a construction would suffer from the problems of deployment mentioned above.

Moreover, in contrast to claim 1, Dereume teaches that its branch elements 13 are engaged with trunk element 1 ***close to the proximal end of trunk*** element 1. See Figures 12-14 of Dereume. In contrast, claim 1 requires that the second prosthesis engage the gasket proximate to the ***distal end*** of the first prosthesis. The foregoing difference illustrate that Dereume does not anticipate claim 1 and that claim 1 is properly allowable. Dependent claims 2, 3, 5-9 are likewise properly allowable.

With respect to claim 9, it includes gasket limitations similar to claim 1. Accordingly, claim 9 is properly allowable for the reasons set forth above with respect to claim 1.

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New claims 17-21 are added herein. Each of those claims is patentable over the art of record.

In view of the foregoing amendments and remarks, it is asserted that the application is in condition for allowance. A reconsideration of the rejection and favorable action on the merits are respectfully requested.

Respectfully submitted,

By:



Carl J. Evens
Reg. No. 33,874
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
732 524-2518
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